REMARKS / ARGUMENTS

Reconsideration and allowance of this application are respectfully requested in the light of the foregoing amendments and the following remarks.

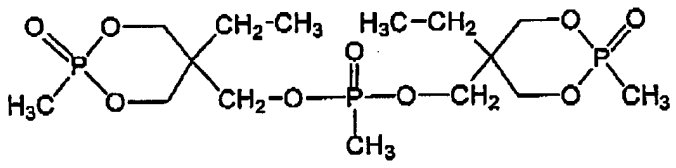
Claims 1 - 13 and 19 - 22 are pending in the application. Claims 1, 5 and 10 have been amended. Claims 14 - 18 have been withdrawn as the result of a restriction requirement. The provisional election previously made during a telephone conversation with Mr. Klaus Schweitzer is herewith affirmed. Applicant nevertheless retains the right to present the subject matter of the withdrawn claims in a divisional application. Claims 19 - 21 have been added. New claims 19 and 20 are based on the specification, page 7, l. 8 - 11, while new claim 21 is based on the specification, page 5, l. 18/19.

Claim 1 has been amended and now provides for a film comprising a soluble blue dye and which has a whiteness of 90 % or more. Proper antecedent basis for the amendments is provided in original claim 5 as well as in the specification, page 3, l. 13/14).

In claim 10 the compound name has been corrected by inserting a bracket which had been inadvertently omitted.

Claim Objections

Claim 10 has been objected to since the name of the phosphorous compound is allegedly misspelled. The objection is respectfully traversed. The wording „...5-ylmethyl" is in fact correct and frequently used in chemical nomenclature. In order to further clarify this issue, the structural formula of the compound recited in claim 10 is provided below:



Rejection of claim 13 under 35 U.S.C. § 112

Claim 13 has been rejected under 35 U.S.C. § 112, second paragraph. The PTO asserted that it is unclear what the term „regrind" encompasses. „Regrind" means those parts of the film which are removed as waste material during production (such as film edges) and fed into the extruder again in the form of finely ground particles. The „regrind" by necessity has the same composition as the original extrusion mass. In the the extruder the recycled material is mixed with virgin material. Furthermore, the term „regrind" is well known to the artisan. The Examiner is respectfully requested to reconsider and withdraw the rejection.

Rejection of claims 1 - 2, 4 - 5 and 7 under 35 U.S.C. § 102(e)

Claims 1 - 2, 4 - 5 and 7 stand rejected as being allegedly anticipated by Rutter et al. (US 6,270,888).

This rejection is respectfully traversed. Rutter et al. does not disclose a white films as claimed in present amended claim 1. Rutter teaches a polymeric film comprising a polyester film substrate and a heat-sealable layer on the surface of the substrate (see col. 1, l. 44 - 48). The polyester film substrate contains from 0.1 to 10 % by weight of at least one organic or inorganic UV absorber. As a suitable inorganic UV absorber, titanium dioxide is disclosed (col. 3, l. 27 et seq.). The titanium dioxide particles preferably comprise a major portion of rutile. Rutter further discloses that his polymeric film is preferably transparent or translucent (col. 4, l. 12/13). The reference thus teaches away from white films. Contrary thereto, the present invention teaches a film which has a particularly high whiteness of 90 % or more. In order to reach such a high whiteness, it comprises a soluble blue dye. Although Rutter mentions dyes as optional ingredients of the polymeric film (see col. 6, l. 33), he does not contemplate using a blue dye in order to produce a film of a high whiteness. Rutter thus cannot anticipate the presently claimed subject matter. It is hence respectfully requested to withdraw the rejection.

Rejection of claims 3, 6 and 8 - 13 under 35 U.S.C. § 103(a)

Claims 3, 6 and 8 - 13 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Rutter et al., mentioned above, in view of Bollert et al. (US 4,033,936) and Hofmann et al. (US 5,075,481).

As explained above, Rutter does not disclose white films having a whiteness of 90 % or more, which comprise a soluble blue dye. Neither Bollert nor Hofmann cure these deficiencies of the primary reference.

Bollert teaches a process for the production of polyesters in which phosphorus compounds, such as carboxyphosphinic acid, are incorporated in the polymer main chain. The reference is completely silent about white polyester films. All that is disclosed is that the flame-retardant polyesters may be processed into filaments, fibers, sheets or shaped articles (col. 1, l. 54/55).

Hofmann discloses poly[1,3,2]oxaphospholidines which can be employed to stabilize various types of thermoplastic polymers against the deleterous effects of oxygen, heat or actinic radiation. As correcty stated in the Office Action, Hofmann also teaches the use of co-stabilizers, such as Mg stearate. But even if these additives where included in the film as taught by Rutter, this would not result in a film as claimed in present amended claim 1. The Examiner is therefore respectfully requested to withdraw the outstanding rejection based on Rutter, Bollert and Hofmann.

Conclusion

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the rejection of the claims and to pass this application to issue.

Dated: Sept. 16, 2003

Respectfully submitted

K. Schweitzer

Klaus Schweitzer
see attached Limited Recognition
Under 37 C.F.R. § 10.9 (b)

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